

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-133-S - ORDER NO. 2008-420  
JUNE 13, 2008

IN RE:   Application of Jacabb Utilities, LLC for                 )   ORDER APPROVING  
          Approval of a Contract with Pointe West,             )   CONTRACT  
          Inc. to Service Highpointe Development             )

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Application of Jacabb Utilities, LLC ("Jacabb") for approval of a contract with Pointe West, Inc. ("Pointe West" or "Developer") to serve Highpointe Development ("Development"). Jacabb and Pointe West have entered into an agreement, dated March 26, 2008, whereby Jacabb will provide sewer service to the Development. This Commission's authority to approve such contracts is found in 26 S.C. Code Ann. Regs. 103-541 (Supp. 2007), which states in part that no utility shall execute or enter into any agreement or contract with any corporation that would impact, pertain to, or effect said utility's fitness, willingness, or ability to provide sewerage service, including but not limited to collection or treatment of said wastewater, without first submitting said contract in form to the Commission and the ORS and obtaining approval of the Commission.

Jacabb proposes to serve the Development, which will consist of approximately one thousand two hundred (1200) single and multi-family residences. The Agreement provides, *inter alia*, that Pointe West will construct all the necessary sewer facilities required to serve the Development, acquire all necessary easements and rights of way,

and convey the facilities and easements to Jacabb. According to the Application, the Development is within Jacabb's authorized service area in Oconee County, South Carolina. and no other public utility is authorized to serve the proposed development.

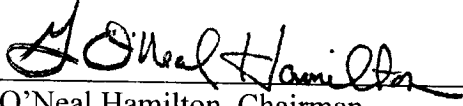
Pursuant to the Agreement, Jacabb has agreed to reserve adequate utility capacity for up to 1200 residential or equivalent number of commercial wastewater connections located within the Development. The Applicant submits that approval of the contract is in the public interest and will serve the public convenience and necessity.

The Office of Regulatory Staff (ORS) advises that it has reviewed the Application and does not oppose its approval.

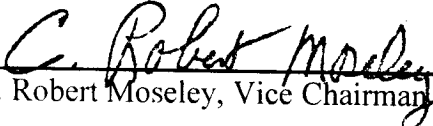
We find that the proposed development to be served is within the existing service territory of Jacabb and that no other public utility is currently authorized to serve it. We further find that public convenience and necessity will be served by approval of the contract between Jacabb Utilities, LLC and Pointe West, Inc. to serve the Highpointe Development in Oconee County, South Carolina. We therefore approve the application and the contract as filed.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
G. O'Neal Hamilton, Chairman

ATTEST:

  
C. Robert Moseley, Vice Chairman

(SEAL)